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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,932	12/30/2003	Claude Auger	THOLAM P221US	1933
20210	7590	08/18/2004	EXAMINER	
DAVIS & BUJOLD, P.L.L.C. FOURTH FLOOR 500 N. COMMERCIAL STREET MANCHESTER, NH 03101-1151			BLAKE, CAROLYN T	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/748,932

Applicant(s)

AUGER, CLAUDE

Examiner

Carolyn T Blake

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/24/04</u> | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following: in paragraph 6 of page 1, the phrase "the circular saw blade partially retracted" should be changed to - - the circular saw blade is partially retracted - -. In addition, in paragraph 7 of page 1, the phrase "The grapple then slightly releases it grip" should be changed to - -The grapple then slightly releases its grip - -. Finally, in paragraph 12 on page 2, the phrase "on a delimbing machines" should be changed to - - on a delimbing machine - -.

Appropriate corrections are required.

### ***Claim Objections***

2. Claim 4 is objected to because of the following: the phrase "on a delimbing machines" should be changed to - - on a delimbing machine - -. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omi (5,074,179).

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Regarding Claims 1 and 4, Omi discloses a method and apparatus for reducing damage to a circular saw blade (1) that make use of mounting at least one contact member (11) to an inside surface of a saw head compartment (4) through the use of a bolt (14). This is best depicted in FIG 1. Although the contact member is not mounted to the access door (17), Omi states the contact member can be positioned away from the cutter body (5) in col.4, lines 21-23, and thus on the access door. The Omi figures do not show the contact member positioned immediately adjacent to and spaced radially inwardly from a lower circumferential peripheral edge of the circular saw blade when in a retracted position. However, Omi does state the contact member can be placed at any position inside the saw head compartment so long as the contact member can contact the saw blade in col. 4, lines 23-26. cursory review of FIGS 1 and 2 shows the contact member will contact a lower circumferential peripheral edge of the circular saw blade if positioned at the bottom of the guard and will confine lateral movement of that lower edge.

Regarding Claims 3 and 6, two contact members (11) are shown on the Omi device in FIG 2.

4. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omi in view of York (4,530,385).

Omi teaches the use of a support (left wall of the saw head compartment in FIG 1) having at least one contact member positioned immediately adjacent to and spaced radially inward from an upper circumferential peripheral edge of the circular saw blade (1) in order to reduce blade damage. (It is noted that the tenth

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edition of *Merriam Webster's Collegiate Dictionary* defines "adjacent" as near or not distant.) As seen in FIG 1, these contact members will confine lateral movement of the upper edge of the blade and reduce damage to the blade by engaging a second face of the blade.

However, Omi fails to adequately teach a saw slide assembly or mounting a support to a saw slide assembly.

York (4,530,385) teaches the use of a saw slide assembly (92) in conjunction with a circular saw blade (112), saw head compartment (134), and support (left wall of the saw head compartment in FIG 3). As best depicted in FIG 1, the support is mounted in place to the saw slide assembly through hinges and hinge pins. The saw slide assembly is positioned adjacent to the circular saw blade.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the Omi support with contact members on a saw slide assembly, as taught by York, in order to reduce damage to the circular saw blade.

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bies (4,660,448) discloses a guard for a circular saw that confines lateral movement of the blade. Vuichard (2,984,268) discloses a contact member on a circular saw. Kreidler (2,709,464) discloses a circular saw guard that nearly covers the entire blade.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T Blake whose telephone number is (703) 305-0390. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N Shoap can be reached on (703) 308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CB  
August 9, 2004



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